

REMARKS

The Office Action mailed March 13, 2007 has been carefully considered.
Reconsideration in view of the following remarks is respectfully requested.

Canceled Claims

Claim 13 has been canceled without prejudice or disclaimer of the subject matter contained therein.

Rejection(s) Under 35 U.S.C. § 112, Second Paragraph

Claims 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 13 has been canceled, and the rejection thereof is moot. Claim 14 has been amended to replace the term “restore” with the clearer term “determine,” and to state that “groups of consecutive layers, each group beginning at the layer nearest to the face for receiving the light, are each configured to absorb substantially all light of an associated wavelength.” Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully urged.

Rejection(s) Under 35 U.S.C. § 102

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Shigenaka et al. (U.S. pat. no. 6,465,860).

Claim 1, from which the remaining claims depend either directly or indirectly, has been amended to state that the “layers of said superimposition all [have] the same material composition.” Support for this limitation can be found for example on page 8, lines 6-11 (“three layers of semiconductor material, for example three layers of silicon”), and on page 16, lines 2-3 (the layers 101, 102 and 103 are for example in silicon”).

Shigenaka, by comparison, explains that layer 31 is of “p-type $\text{Hg}_{0.2}\text{Cd}_{0.8}\text{Te}$ ”, layer 12 is of “p-type $\text{Hg}_{0.7}\text{Cd}_{0.3}\text{Te}$ ”, and layer 15 is of “p-type $\text{Hg}_{0.77}\text{Cd}_{0.23}\text{Te}$.” It will be appreciated that,

according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Shigenaka is respectfully urged.

Conclusion

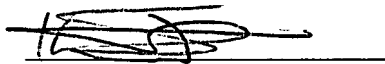
In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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Dated: 09/12/2007


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¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).